

Document Information Form

Mine Number: C0410002

File Name: INCOMING

To: CANYON FUEL COMPANY,LLC

From:

Person JACK G TROYER

Company FOREST SERVICE

Date Received: 08/01/2003

Explanation: _____

COPY OF FAX REGARDING SUFCO'S R2P2

cc:



United States
Department of
Agriculture

Forest
Service

Intermountain Region

324 25th Street
Ogden, UT 84401
801-625-5605

File Code: 2820-4
Date:

Ms. Sally Wisely
State Director
Bureau of Land Management
324 South State Street
P.O. Box 45155
Salt Lake City, UT 84145

Dear Ms. Wisely,

In a telephone call on July 21, we discussed the unresolved issues associated with the pending application before the Bureau of Land Management (BLM) regarding the Resource Recovery and Protection Plan (R2P2) modification proposed by the SUPCO mine on a federal coal lease within the Manti-La Sal National Forest. We believe that the Forest Service (FS) and BLM are in agreement on the following points:

1. The BLM is responsible for enforcing the terms and conditions of a federal coal lease and is the primary point of contact with the lessee.
2. The FS continues to have responsibilities for the management of surface resources on a federal coal lease on National Forest System lands.
3. The FS must consent to the issuance of a federal coal lease and identify conditions or stipulations that are deemed necessary to minimize impacts to surface resources and uses. Subsequent to the leasing decision, the FS must also consent to a federal coal mine plan that is approved by the Interior Assistant Secretary for Lands and Minerals as part of the Federal Mine Plan approval process through the Office of Surface Mining (OSM.)
4. The FS Record of Decision (ROD) that documents our conditional consent to lease issuance contains language that was not specifically incorporated into the lease stipulations. Forest Service special stipulation 9 addresses mining under perennial streams and provides for approval of an R2P2 modification that may affect perennial streams.

As documented in the ROD, it was the intent of the FS that consent to the coal lease was conditioned upon restrictions of mining operations under the drainage in the East Fork of Box Canyon that would cause subsidence. However, based on negotiation between the agencies, those terms were not clearly carried forward in the stipulations attached to the lease that became a contract between the United States and the lessee. We share the concerns of the Manti-La Sal National Forest that subsidence of the area could impact the stream and associated ecosystem. We also recognize that there are differing professional opinions as to the probable duration and significance of these impacts. We recognize that the BLM has the responsibility for



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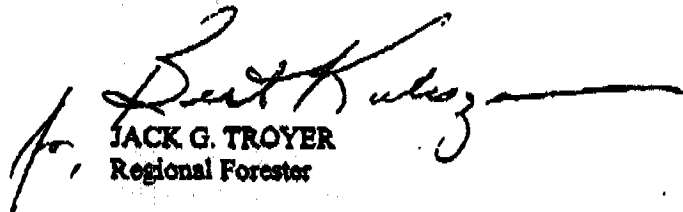
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administration of federal leases and as such has the authority to approve the proposed R2P2 modification as long as it is consistent with the terms of the lease.

If the BLM approves the proposed R2P2, appropriate monitoring requirements and implementation of mitigation to ensure protection of the perennial stream in the East Fork of Box Canyon and the associated ecosystem should be incorporated into any subsequent modification/revision of the mining and reclamation plan and/or permit. If the State or OSM determines the modification to be significant based on their existing criteria, FS concurrence would be required.

We appreciate your willingness to discuss this situation and share your willingness to continue to work through issues associated with coal resources underlying National Forests. We fully support the ongoing discussions among our agencies and the State of Utah to develop a more definitive process to facilitate cooperation and collaboration in the coal program and to clarify agency roles and responsibilities which will help prevent similar situations in the future.

Sincerely,


JACK G. TROYER
Regional Forester